

Application No. 09/765,098  
Applicant: CLARY, Michael  
Art Unit: 3636  
Examiner: Stephen A. Vu  
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4. (withdrawn) The articulating chair according to claim 3 wherein said spring-loaded joint further comprises a bi-section in said frame portion and a spring having an inner diameter that gives a secure compression fit over the ends of the bisected frame portions.

5. (withdrawn) The articulating chair according to claim 4, wherein said spring is screwed onto the ends of the bi-sected fame portions.

6. (cancelled)

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#### REMARKS

Claim 1 is pending. Claim 1 is amended herein. Reconsideration and allowance of claim is respectfully requested.

The Examiner rejected Claim 1 for containing subject matter not clearly described in the specification. The claim recites, at line 5 that "*generally L-shaped connectors adapted for a telescopic fit over the chamfered ends of said frame portions*". This amendment has changed the claim language to recite that the L-shaped connectors are adapted to fit into the chamfered frame portions, to make the language consistent with the specification (page 8, ln 15).

The Examiner rejected Claim 1 as being obvious over Geschwender '214, in view of Snyder '302 and Spease '203. The applicant has claimed an articulating chair having chamfered frame

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portions and zinc plated members to ease the process of assembly and to reduce the likelihood of tearing the fabric, of the cover.

Geschwender '214 shows an articulating chair (1) comprising a knockdown frame having a pair of separate U-shaped frame portions (5,7). Geschwender '214 does not teach or suggest chamfered ends or Zinc plating, neither of which are inherently obvious improvements. One skilled in the art would not readily appreciate the lubricant value of the Zinc plate relative to the fabric cover, or the combined ability of the Zinc plate and chamfered tubes to prevent tearing and increase longevity. The Examiner cites Snyder '302 and Spease '203 as bridging the gap. They do not.

The Snyder patent discloses a frusto conical end, of a rod member to be inserted into a socket of a tubular member, while the applicant's claim 1, as amended, recites "...a pair of generally L-shaped connectors adapted for a *telescopic fit* into the *chamfered ends of said frame portions* to form a *rigid* generally L-shaped frame...". In the applicant's invention the frame portions, which receive the L-shaped connectors, are chamfered as opposed to the configuration of the Snyder patent, wherein the member to be inserted is chamfered. The configuration of the Snyder patent serves to connect the members together (see col. 3, ln. 68). The configuration, as claimed by the applicant is a telescopic fit, which forms a rigid frame. The Snyder patent discloses a means of connecting neighboring chairs together but it does not disclose the use of a chamfered tubular member to telescopically join members to form a rigid frame.

The Spease patent '203 discloses the use of zinc plating in an unrelated art. Adjacent parts of a

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locking mechanism, which frequently move with respect to one another, are lubricated by zinc plating. The parts are a cable and a housing (col. 3, ln. 63). Applicant's claim 1 recites "...all of said U-shaped frame portions and L-shaped connectors being Zinc plated for ease of assembly". The zinc plating covers the surfaces of the frame portions and the L-shaped connectors which engage each other during assembly and disassembly. The zinc plating covers the surfaces of the frame portions which contact the fabric cover during use of the article and during removal or installation of the cover. The unique use of zinc plating to lubricate the frame to ease assembly and to prolong the life of the fabric is claimed by the applicant and is not disclosed by the prior art.

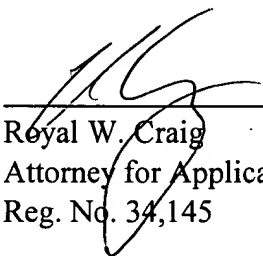
The combination of the three references would not yield the elements of applicant's invention, as claimed. The inventive combination cannot be anticipated by finding individual features separately in the prior art and combining them in a piecemeal manner to show obviousness, See In re Kamm and Young, 17 USPQ 298, affd. (Court held that "The rejection here runs afoul of a basic mandate inherent in section 103 - that piecemeal reconstruction of the prior art patents in the light of appellants disclosure shall not be the basis for a holding of obviousness. See, also, In re Rothermel, 47 CCPA 866, 870, 276 F. 2d 393, 396, 125 USPQ 328, 331 (1960). In Schnell et al v. The Albright-Nell Co. et al., 146 USPQ 322. "Improvement over prior art, even though it be simple or involves only a reversing of certain parts, is patentable unless prior art shows that improvement is obvious. The combination of a removable fabric cover, with zinc plated and chamfered frame portions, work together in a synergistic manner to ease assembly and prevent tearing of the fabric. The combination of elements is not present

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or suggested by the prior art references.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,



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